

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Facebook, Inc.,

NO. C 08-05780 JW

Plaintiff,

**ORDER GRANTING WITHDRAWAL OF
BURSOR & FISHER, P.A., AND
BRAMSON, PLUTZIK, MAHLER &
BIRKHAUSER, LLP AS DEFENSE
COUNSEL**

v.

Power Ventures, Inc., et al.,

Defendants.

Presently before the Court are Counsel's Motions to Withdraw from Representing Defendants Power Ventures, Inc. and Steve Vachani ("Vachani").¹ Counsel seeks to withdraw from representing Defendants on the ground that Defendants have not paid their outstanding invoices for over a year.² The Court finds it appropriate to take the Motions under submission without oral argument. See Civ. L.R. 7-1(b). Based on the papers submitted to date, the Court GRANTS Counsel's Motions.

In a civil case, counsel may not withdraw from an action until relieved by order of the Court. See Civ. L. R. 11-5. Rule 3-700(c) of the California Rules of Professional Conduct provides that a lawyer may withdraw from representing a client where, among other things, (1) the client breaches an agreement with or obligation to the lawyer as to expenses or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d),

¹ (Notice of Motion and Motion to Withdraw as Counsel for Defendants Power Ventures, Inc. and Steve Vachani, hereafter, "Bursor & Fisher Motion," Docket Item No. 302; see also Bramson, Plutzik, Mahler & Birkhauers, LLP's Notice of Joiner and Joiner in Bursor & Fisher, P.A.'s Notice of Motion and Motion to Withdraw as Counsel for Defendants Power Ventures, Inc. and Steve Vachani, hereafter, "Bramson Motion," Docket Item No. 303.)

² (Bursor & Fisher Motion at 1.)

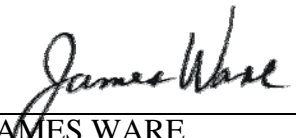
(f). This is because the attorney-client relationship in civil cases is usually an economic relationship.

Here, Counsel represents that Defendants have not paid their outstanding invoices in over a year,³ and have told Counsel that they cannot pay any of Counsel's bills moving forward.⁴ In addition, to date, no opposition has been filed to these Motions. Accordingly, the Court finds good cause to allow Counsel to withdraw from representing Defendants.

Accordingly, the Court GRANTS Counsel's Motion to Withdraw and ORDERS as follows:

- (1) Bursor & Fisher, P.A. shall remain as counsel of record for fifteen (15) days for the purposes of receiving and providing legal documents until there is an identification of substitute counsel;
- (2) On or before **July 17, 2012**, Defendant Vachani shall file a Notice of Identification of Substitute Counsel. If Defendant Vachani chooses to proceed *pro se*, he shall file a Notice informing the Court of this election.
- (3) On or before **July 17, 2012**, Defendant Power Ventures, Inc. shall file a Notice of Identification of Substitute Counsel. Pursuant to the Civil Local Rules, Defendant Power Ventures must be represented by a member of the bar and may not proceed *pro se*. See Civ. L.R. 3-9(b).
- (4) Failure to file timely Notices of Identification and Substitution of Counsel may result in a default of this case.
- (5) Counsel shall send a copy of this Order to Defendants and file the necessary certificate of service.

Dated: July 2, 2012


 JAMES WARE
 United States District Chief Judge

³ (Bursor & Fisher Motion at 2.)

⁴ (Declaration of Timothy Fisher in Support of Motion to Withdraw as Counsel for Defendants Power Ventures, Inc. and Steve Vachani ¶ 3, Docket Item No. 302-1.)

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: July 2, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
William Noble
Courtroom Deputy